IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17845 of 2007(Y)

PETITIONER:

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1. M.V.THANAKAMANI, W/O.SREENIVASAN, 55 YEARS, RESIDING AT "SREENIVAS", NEAR SOORYA NAGAR HOUSING COLONY, P.O.KIZHUNNA, KANNUR-7.

2. PRAVEEN JOY P., S/O.SREENIVASAN, 35 YEARS, RESIDING AT "SREENIVAS", NEAR SOORYA NAGAR HOUSING COLONY, P.O.KIZHUNNA, KANNUR-7.

3. PRAMOD P., S/O.SREENIVASAN, 33 YEARS, RESIDING AT "SREENIVAS", NEAR SOORYA NAGAR HOUSING COLONY, P.O.KIZHUNNA, KANNUR-7.

4. LAKSHMAN P., S/O.KUNHIKANNAN, 65 YEARS, RESIDING AT PARAKKAT HOUSE, CHIRAKKUTHAZHA P.O. KIZHUNNA, KANNUR-7.

5. RAVEENDRAN.P., S/O.KUNHIKANNAN, 55 YEARS PARAKKAT HOUSE, CHIRAKKUTHAZHA, P.O.KIZHUNNA, KANNUR-7.

6. SREEVALSAN P., S/O.KUNHIKANNAN, 48 YEARS, PARAKKAT HOUSE, CHIRAKKUTHAZHA, P.O.KIZHUNNA, KANNUR-7.

7. DINESH BABU P., S/O.KUNHIKANNAN, 45 YEARS, PARAKKAT HOUSE, CHIRAKKUTHAZHA, P.O.KIZHUNNA, KANNUR-7.

BY ADV. SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENTS:
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1. **ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THALASSERY.**

2. **THALASSERY VANITHA SAHAKARANA SANGAM LTD., NO.C.1187, WITH ADDRESS FOR SERVICE: SECRETARY, THALASSERY VANITHA SAHAKARANA SANGAM LTD., THALLASSERY.**

3. **PRACHOD UNNI P., S/O.SREENIVASAN, 31 YEARS, "SREENIVAS" NEAR SOORYA NAGAR COLONY, P.O.KIZHUNNA, KANNUR-7 (NOW WORKING IN GLOBE MARINE SERVICES CO., P.O.BOX NO.1814, DAMMAM - 31441, KINGDOM OF SAUDI ARABIA.**

BY GOVT.PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 17845 OF 2007 Y

Dated this the 11th June, 2007

JUDGMENT

Petitioners challenges Exts.P1 and P2 and seeks an order restraining the first respondent from proceeding with Ext.P1. According to the petitioners, the first respondent does not have jurisdiction over the subject matter to entertain Ext.P1 in so far as the petitioners are concerned. Petitioners rely on a decision of this Court in Nalunnakkal Service Co-op. Bank Ltd. v. P.V. John (1991 (1) KLT 7) to contend that the claim cannot be adjudicated under Section 69 of the Kerala Co-operative Societies Act. Heard the learned Government Pleader also. I feel that this is a matter which the petitioners can raise as an objection before the first respondent and I am sure that the first respondent will consider the said objection also in accordance with law. It is open to the petitioners to request the first respondent to consider the question relating to maintainability of the case as against the petitioners in the light of the decision in

Nalunnakkal Service Co-op. Bank Ltd. v. P.V. John (1991 (1) KLT 7) as a preliminary issue, and in the event of the petitioners requesting the first respondent to consider it as preliminary issue, the first respondent will take a decision as to whether it should be considered as a preliminary issue or whether it should be considered after the evidence is adduced.

K. M. JOSEPH, JUDGE

kbk.